

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Tuesday 8th April 2025

No. 88

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No. 30/Home/2025

Dated: 07/04/2025

NOTIFICATION

The State Government is hereby pleased to make the following rules, under the Bharatiya Nagarik Suraksha Sanhita, 2023 (No. 46 of 2023) in consultation with the High Court of Sikkim, as under:-

**Short title and
commencement**

1. (1) These rules may be called the Sikkim eSakshya Management Rules, 2025.
- (2) They shall come into force from the date of their publication in the Official Gazette.

Definitions

2. (1) In these rules, unless the context otherwise requires,-
 - (a) "CCTNS" means Crime and Criminal Tracking Network and Systems, system software used by the Police for the collection of data and execution of instructions;
 - (b) "CIS" means Case Information System, system software used by the District Judiciary and High Court for the collection of data and execution of instructions;
 - (c) "eSign" means authentication of any electronic record by a subscriber or court, by means of the electronic technique specified in the Second Schedule of the Information Technology Act, 2000 (21 of 2000) and includes digital signature. Also, when a process or report generated in electronic form is authenticated by means of electronic signature, it shall be deemed to be authenticated by signature of the person who affixed the electronic signature;
 - (d) "High Court" means the High Court of Sikkim.

- (e) "ICJS" shall mean Inter-operable Criminal Justice System, software presently in operation for transfer of Information among various pillars of criminal justice system, which includes investigating agencies, courts, correctional homes, forensic laboratories, prosecution; and any other stakeholder as notified by the Central government;
- (f) "Investigating Officer" means any police officer or any other person authorized by a competent authority, empowered to undertake investigation for any offence;
- (g) "Sakshya" means any evidence collected or recorded as document through eSakshya Mobile Application. Sakshya consists of video recordings), photograph(s), photograph(s) of witness(s) and photograph of the investigating/recording officer. All evidence through eSakshya Mobile Application shall generate a secure packet of the event (hereinafter referred to as "eSakshya Packet") with a unique ID called SID, a unique 16 digit ID (SID) with opening, closing time stamp and geo-location. Each SID and its contents will have unique hash value to ensure integrity. Sakshya will be stored in immutable storage.
- (h) "Sanhita" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).
- (2) Words and expressions used, but not defined in these rules shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023); the Bharatiya Nyaya Sanhita, 2023 (45 of 2023); the Bharatiya Sakshya Adhiniyam, 2023, (47 of 2023) and the Information Technology Act, 2000 (21 of 2000).

Procedure of recording evidence

3. (1) Every Investigating Officer shall record all video and photo evidence as required under section 105, 173, 176, 180, 185, and 497 of the Sanhita through the eSakshya Mobile Application as developed by the National Informatics Centre (NIC).
- (2) Investigating Officer shall generate a certificate 63 (4) (c) Part A of the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023) through the eSakshya Mobile Application. All Certificates will be eSigned.
- (3) Investigating Officer shall link SID with the concerned FIR number/GD number generated through CCTNS.
- (4) The Sakshya uploaded to Immutabile storage shall be construed to be forwarded to Magistrate as required under section 105 and 185 of the Sanhita.
- (5) The courts can view and manage all Sakshya concerning to their jurisdiction in the CIS application/Sakshya portal on ICJS.

- (6) The court may permit sharing of Sakshya with accused and the victim (if represented by an advocate) as per the provisions under section 230 of the Sanhita.
- (7) eSakshya packet will be archived after completion of trial and will be moved to Archival mode.
- (8) Nothing in these rules shall be deemed to limit the powers of the Courts to view the Sakshya by the Court.

Interpretation

- 4. These rules shall be in addition to, not in derogation of any other law or rules for time being in force for accepting and managing Sakshya by the Court in terms of the provisions of Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023).

**(R. Telang) IAS
Chief Secretary
Government of Sikkim,
File No. Home/Confdl/120/2023/16/part**

